

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE OCTOBER 2, 2006, MEETING, WITH FIRST READING AT THE OCTOBER 16, 2006, MEETING, AND SECOND READING AT THE NOVEMBER 6, 2006, MEETING **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-40

AN ORDINANCE APPROVING NON-EXCLUSIVE LICENSE AGREEMENT WITH INDIANA FIBER NETWORK, LLC FOR FIBER OPTIC SYSTEM

WHEREAS, on September 21, 2006, the Board of Public Works and Safety authorized the issuance of a non-exclusive license by the City of Greenwood to Indiana Fiber Network, LLC for installation and maintenance of a High Density Poly-Ethylene ("HDPE") underground conduit system for fiberoptic cable in certain City rights-of-way, subject to certain conditions; and

WHEREAS, IC 36-9-6-13 permits a municipal works board to authorize a telegraph, telephone, electric light, gas, water, steam, railroad, or interurban company to use and erect necessary structures in any street, alley, or public place in the city, and requires that such a contract be approved by ordinance of the legislative body before it can take effect; and

WHEREAS, the City Attorney's Office has prepared a Non-Exclusive License Agreement, a copy of which in substantially final form is attached hereto, and Indiana Fiber Network, LLC has reviewed and agreed to the Non-Exclusive License Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Greenwood Common Council hereby approves the Non-Exclusive License Agreement with Indiana Fiber Network, LLC, a copy of which in substantially final form is attached hereto, and authorizes the Mayor to execute and make any reasonable amendments to the agreement on behalf of the City of Greenwood; and

Section 2. One (1) copy of the Non-Exclusive License Agreement and Ordinance are on file in the office of the Clerk-Treasurer of Greenwood, Indiana, and the Council directs the Clerk-Treasurer to maintain for public inspection one (1) copy of said Agreement in the files of the Clerk-Treasurer.

Section 3. The sections, paragraphs, sentences, clauses, phrases and words of this Resolution are separable, and if any word, phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after its passage and approval by the Mayor of the City of Greenwood, Indiana.

Adopted by the Common Council of the City of Greenwood, Indiana, this ____ day _____, 2006.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 2006, is presented by me this ____ day of _____, 2006, at _____ O’Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 2006, is signed and approved by me this ____ day of _____, 2006, at _____ O’Clock __.M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana